

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

**UNITED STATES OF AMERICA,** )  
                                        )  
                                        )  
**Plaintiff,**                      )  
                                        )  
**vs.**                                 )                                   **Case No. 02-5025-01-CR-SW-GAF**  
                                        )  
**THOMAS D. SMITH,**              )  
                                        )  
**Defendant.**                     )

**ORDER**

Now pending before the Court is Defendant's Motion for Pretrial Disclosure and Hearing as to the Admissibility of Co-Conspirator Statements to be Offered by the Government at Trial (Doc. #348), Defendant's Motion for a Pretrial Hearing on the Reliability and Admissibility of "Snitch" Testimony (Doc. # 309), and Defendant's Motion for Discovery of Information Concerning the Government's "Snitch" Witnesses (Doc. 531). Document 531 includes a Motion to Dismiss the Notice of Intent to Seek Death Penalty. Also pending is Defendant's Motion to Limit the Admission of Victim Impact Evidence and Request for an Evidentiary Hearing on the Admission of Such Evidence (Doc. #351).

On December 19, 2006, Chief United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. #577). On January 1, 2007, Defendant's Objections to the Report and Recommendation (Docs. #587 and #588) were filed.

Upon careful and independent review of the pending motions, Defendant's objections to the Magistrate's Report and Recommendations, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED as follows:

1. Defendant's Motion to Dismiss the Notice to Seek Death Penalty and Barring the Government from Seeking the Death Penalty in this case and Defendant's Motion for Pretrial hearing on the Admissibility of the Government Informant Testimony (Docs. #309 and #531) are denied.
2. Defendant's Motion for Pretrial Disclosure and Hearing as to the Admissibility of Co-Conspirator Statements and to Limit the Admission of Victim Impact (Docs. #348 and 351) are denied.

/s/ Gary A. Fenner  
GARY A. FENNER, JUDGE  
United States District Court

DATED: January 3, 2007